

Complaints

Complaint Hotline
1-800-246-8909

Program

A complaint is an allegation of noncompliance with Federal and/or State requirements. The mission of the complaints process is to protect Medicare/Medicaid beneficiaries from abuse, neglect, exploitation, inadequate care or supervision. The Federal complaint/incident process is a system that will assist in promoting and protecting the health, safety, and welfare of residents, patients, and clients receiving health care services.

Survey Requirement due to Complaint

Section 42 CFR 488.332 provides the Federal regulatory basis for the investigation of complaints about nursing homes. The survey agency must review all complaint allegations and conduct a standard or an abbreviated standard survey to investigate complaints of violations of requirements if its review of the allegation concludes that:

- A deficiency in one or more of the requirements may have occurred; and
- Only a survey can determine whether a deficiency or deficiencies exist.

5075.9 - Maximum Time Frames Related to the Federal Onsite Investigation of Complaints/Incidents

(Rev. 18, Issued: 03-17-06; Effective/Implementation Dates: 03-17-06)

Provider Type	Intake Prioritization			
	Immediate Jeopardy (IJ)	Non-IJ High	Non-IJ Medium	Non-IJ Low
Nursing homes	SA must initiate an onsite survey within 2 working days of receipt.	SA must initiate an onsite survey within 10 working days of prioritization.	No timeframe specified, but an onsite survey should be scheduled.	SA should investigate during the next onsite survey.
Non-deemed providers/suppliers, other than nursing homes	SA must initiate an onsite survey within 2 working days of receipt.	N/A	SA must initiate an onsite survey within 45 calendar days of prioritization	SA should investigate during the next onsite survey.
Deemed providers/suppliers	SA must initiate an onsite survey within 2 working days of receipt of RO authorization	N/A	SA must initiate an onsite survey within 45 calendar days of receipt of RO authorization.	SA should investigate during the next onsite survey.
CLIA, non-exempt, non-accredited	SA investigates within 2 working days of receipt	N/A	N/A	N/A
CLIA, exempt	SA notifies RO within 10 calendar days	N/A	N/A	N/A
CLIA, accredited	SA submits information to RO within 2 calendar days	N/A	N/A	N/A
EMTALA	SA must complete investigation within 5 days of receipt of RO authorization.	N/A	N/A	N/A
Death related to restraint/seclusion used for behavior management-Hospitals	SA must complete an onsite investigation within 5 working days of telephone authorization from the RO.	N/A	N/A	N/A
Fires resulting in serious injury or death	SA must initiate an onsite survey within 2 working days of receipt.	N/A	N/A	N/A